

REMARKS

The amendments to claims 13, 19, and 22 are for the correction of clerical errors.

The examiner is requested to carefully review once again the Response to Final Rejection dated October 7, 2003. A major distinction of the claims of this invention over Schneider et al. U.S. Patent No. 6,089,976 and Walker U.S. Patent No. 6,174,235, is explained.

As stated therein, the quoted portion of claim 1 on page 1 of the Response to Final Rejection calls for a stored program control that randomly associates various indicia with various selected pay values, so that the same pick of certain indicia may have a varying pay value in the various sequential games that are played. In other words, the prize generally varies from game to game when the same selection is selected.

This adds a whole added dimension of variability to the kind of game which is described in this application, and also in the cited prior art.

The invention of this application does have in common with Walker et al. patent 6,174,235 the fact that selections are obscured until they are selected by the player. However, this does not render the invention of the claims obvious, because a major, patentable distinction of the claims is not taught in the cited prior art. That distinction is the fact that the various pay values move around on the various indicia, while the various indicia move around also from game to game, underneath their obscuring covers.

Walker et al. shows the moving around of the various indicia, but Walker et al. fails to show the variability of the various pay values randomly moving from indicia to indicia! In Walker et al., one indicia always has the same payout. It is submitted that

the concept of this invention is simply not taught in the prior art selected and applied by the examiner.

In the office communication of October 23, 2003, on page 3, the examiner comments that these distinctions and arguments raised here, and in the response of October 7, are "unpersuasive as successive games are based on a predefined payback percentage that over time remains the same. And a reward is chosen using two random number generators or one, the payback percentage will be fixed according to gaming regulation or dictated by casino rules."

This is a completely different concept from the distinction of this application. The distinction of the claims of this application holds even though the payback percentage is entirely constant, because the payback percentage can stay constant even if the various pay values are randomly jumping from one matching group of indicia to another matching group of indicia, or to single indicia, from game to game. Thus, the rewards for picking one or more of a specific group of indicia, like the letters E 35 in Fig. 4, may randomly vary from game to game in accordance with this invention, while that is simply not the case in any of the prior art cited by the examiner.

In view of the above, allowance of the claims is respectfully requested.

Respectfully submitted,

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Registered Attorney for Applicant
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